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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

BARBARA ROCKNESS, an individual,

Plaintiff,

vs.

RON ROCKNESS, an individual, WHITMAN  
COUNTY, a political subdivision of the State of  
Washington,

Defendants.

No. 2:21-cv-00153

SECOND AMENDED COMPLAINT  
FOR DAMAGES

COMES NOW the plaintiff herein, Barbara Rockness, and alleges and asserts as follows:

**I. PARTIES**

1.1 Plaintiff Barbara Rockness is an individual residing in the State of Washington.

1.2 Defendant Ron Rockness is an individual residing in the State of Washington.

1.3 Defendant Whitman County is a political subdivision of the State of Washington.

Whitman County Sheriff's Office is a law enforcement agency of Whitman County.

SECOND AMENDED COMPLAINT FOR DAMAGES

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## II. JURISDICTION AND VENUE

2.1 Defendants have removed this case to federal court under 28 U.S.C. § 1441.

2.2 Ms. Rockness served notice of this claim to Whitman County on February 3, 2021. Ms. Rockness has satisfied all statutory prerequisites for initiating this lawsuit.

## III. FACTS

3.1 Mr. Rockness was employed by Whitman County as the Whitman County Sheriff's Office Undersheriff from 2003 until 2020.

3.2 In about December 2017 Ms. Rockness placed a 911 call because her estranged husband began verbally abusing her. Mr. Rockness responded to Ms. Rockness's 911 call. This was the first time Mr. Rockness and Ms. Rockness met.

3.3 In about March 2018 Mr. Rockness saw Ms. Rockness walking her dogs while he was on patrol. He pulled over and implied that he knew Ms. Rockness was the victim of the 911 call to which he responded in December. Mr. Rockness and Ms. Rockness began a romantic relationship and ultimately married in June 2019.

3.4 On September 15, 2019 Mr. Rockness began verbally abusing Ms. Rockness. Ms. Rockness tried to distance herself from Mr. Rockness. Mr. Rockness forced open the door and injured Ms. Rockness's arm.

3.5 On October 19, 2019 Mr. Rockness began verbally abusing Ms. Rockness. Ms. Rockness became scared Mr. Rockness would physically injure her and asked him to leave the house. On October 20, 2019 Mr. Rockness returned to the house and overpowered Ms. Rockness to gain entry to the house. He continued to verbally abuse her.

3.6 On December 12, 2019 Mr. Rockness began verbally abusing Ms. Rockness. Mr. Rockness grabbed Ms. Rockness's purse and pulled it towards him. The purse strap was caught around Ms. Rockness's hand. Ms. Rockness was injured.

3.7 Mr. Rockness used his leadership position with Whitman County Sheriff's Office against Ms. Rockness. Every time he abused her he'd warn her that calling 911 would be useless because one of his friends within Whitman County Sheriff's Office's would undoubtedly respond to the call and disbelieve her.

3.8 At no time during Mr. Rockness's employment did Whitman County have a policy prohibiting law enforcement officers from forming romantic relationships with crime victims.

3.9 As a result of Mr. Rockness's conduct, Ms. Rockness has sustained personal injuries and suffered economic and non-economic damages in an amount to be proven at trial.

3.10 As a result of Whitman County's failure to establish a policy prohibiting law enforcement officers from forming romantic relationships with crime victims, Ms. Rockness has sustained personal injuries and suffered economic and non-economic damages in an amount to be proven at trial.

#### IV. FIRST CAUSE OF ACTION—NEGLIGENCE

4.1 Ms. Rockness realleges all prior paragraphs as though fully stated herein.

4.2 Mr. Rockness breached the duty of care he owed to Ms. Rockness.

4.3 As a direct and proximate result of Mr. Rockness's negligence, Ms. Rockness has suffered damages in an amount to be determined at trial.

**V. SECOND CAUSES OF ACTION—BATTERY AND ASSAULT**

5.1 Ms. Rockness realleges all prior paragraphs as though fully stated herein.

5.2 Mr. Rockness placed Ms. Rockness in a state of fear of imminent and unwanted physical contact.

5.3 Mr. Rockness made unwanted physical contact with Ms. Rockness without her consent.

5.4 Mr. Rockness knew or should have known that his conduct was unwelcome and offensive to Ms. Rockness.

5.5 As a direct and proximate result of Mr. Rockness's actions, Ms. Rockness has suffered damages in an amount to be determined at trial.

**VI. THIRD CAUSE OF ACTION—OUTRAGE**

6.1 Ms. Rockness realleges all prior paragraphs as though fully stated herein.

6.2 Mr. Rockness's conduct was extreme and outrageous.

6.3 As a direct and proximate result of Mr. Rockness's actions, Ms. Rockness has suffered damages in an amount to be determined at trial.

**VII. FOURTH CAUSE OF ACTION—VIOLATION OF 42 U.S.C. §1983:  
MUNICIPAL LIABILITY**

7.1 Ms. Rockness realleges all prior paragraphs as though fully stated herein.

7.2 Whitman County's failure to establish a policy prohibiting law enforcement officers from forming romantic relationships with crime victims constituted deliberately indifferent training, deliberately indifferent supervision and a deliberately indifferent failure to adopt policies necessary to prevent constitutional violations.

1           7.3     As a direct and proximate result of Whitman County's acts and omissions, Ms.  
2 Rockness has suffered damages in an amount to be determined at trial.

3                               **VIII. PRAYER FOR RELIEF**

4           WHEREFORE having fully set forth her claims against Mr. Rockness and Whitman  
5 County, Ms. Rockness prays for relief as follows:

- 6           A.     For monetary judgment in an amount sufficient to compensate her for the  
7 damages she suffered;
- 8           B.     For prejudgment interest on all liquidated amounts as allowed by law;
- 9           C.     For reasonable costs and attorneys' fees incurred herein, pursuant to all applicable  
10 statutory, common law, and equitable theories;
- 11           D.     For actual attorney fees and litigation costs pursuant to 42 U.S.C. § 1988; and
- 12           E.     For such other and further relief as the Court deems just and equitable.

13           DATED this 5<sup>th</sup> day of May, 2021.

14                               MYERS & COMPANY, P.L.L.C.

15                               Attorneys for Plaintiff

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